

F, and G, and 16 chemicals, 32 organic minerals that the body is composed of)", "Not a Purgative Not a Cathartic Not a Physic", and "furnish that unbroken chain of vitamins, which is so necessary to perfect health", borne on the package labels, were false and misleading in that they represented that the article was *Bacillus acidophilus* compound; that it contained dextrin, and kelp which included vitamins A, B, D, E, F, and G, and 16 chemicals and 32 organic minerals that the body is composed of, that it was not a purgative, a cathartic, nor a physic, and that it would furnish an unbroken chain of vitamins which is so necessary to perfect health; whereas in fact the article was not *Bacillus acidophilus* compound, since it contained no *Bacillus acidophilus*, it contained no dextrin, no kelp which included vitamins A, B, D, E, F, and G, and 16 chemicals and 32 organic minerals that the body is composed of, it was a purgative, was a cathartic, and was a physic, and would not furnish an unbroken chain of vitamins which is so necessary to perfect health.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that the article was *Bacillus acidophilus* compound which contained dextrin, kelp, and 16 chemicals and 32 organic minerals that the body is composed of, and that the article was not a purgative, was not a cathartic, and was not a physic, and that the article furnished an unbroken chain of vitamins which is so necessary to perfect health; whereas in fact the article contained no *Bacillus acidophilus*, no dextrin, and no kelp, and did not contain 16 chemicals and 32 organic minerals that the body is composed of, did contain an excessive number of viable molds, and did contain a cathartic drug, namely, phenolphthalein, and the article was a purgative and was a physic, and would not furnish an unbroken chain of vitamins which is so necessary to perfect health.

On February 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26964. Adulteration and misbranding of Firstaid Readymade Bandage with Mercurochrome. U. S. v. 1,440 Boxes of Firstaid Readymade Bandage with Mercurochrome. Consent decree of condemnation and destruction. (F. & D. no. 37889. Sample no. 72820-B.)

This article was represented on the label to be sterile, when it was not sterile, but contained putrefactive anaerobic, spore-forming bacilli.

On July 14, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,440 boxes of Firstaid Readymade Bandage with Mercurochrome at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 15, 1936, by the Seamless Rubber Co., from New Haven, Conn., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Sterile dressing for applying to cuts, burns, slight wounds, etc.", in that it was not sterile, but did contain putrefactive anaerobic, spore-forming bacilli.

It was alleged to be misbranded in that the statement "Sterile dressing for applying to cuts, burns, slight wounds, etc.", appearing on the label, was false and misleading in that the article was not sterile, but did contain putrefactive anaerobic, spore-forming bacilli.

On December 16, 1936, the United Drug Co., of Boston, Mass., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26965. Misbranding of Tricasco. U. S. v. Tricasco Laboratories and Herman Smidler. Pleas of guilty. Fine, \$25 and costs. (F. & D. no. 37944. Sample nos. 55856-B, 55864-B.)

The labeling of this drug preparation bore false and fraudulent curative and therapeutic claims.

On November 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tricasco Laboratories, of Chicago, Ill.,

and Herman Smidler, president of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 25 and March 16, 1936, from the State of Illinois into the State of Michigan of quantities of Tricasco that was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including licorice and an emodin-bearing drug, sugar, and water.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the cartons and contained in circulars shipped therewith, falsely and fraudulently represented that it was effective (carton) as a treatment for run-down condition and various other ailments detrimental to health; effective as a system cleanser and tonic for every member of the family; effective to cure disease; (circular, one shipment) effective as a treatment, remedy, and cure for sick headache, loss of sleep, dizziness, weak eyes, biliousness, gallstones, gravel, gall-bladder infections, liver complaints, faulty nutrition, bile disorders, stomach trouble, indigestion, catarrh of the stomach, sour stomach, acid stomach, ulcers of stomach, loss of appetite, offensive breath, eruptions on skin, boils and pimples, coughs, grippe, consumption, pneumonia, heartburn, nervousness, palpitation of the heart, muscular aches, leg pains, pains, neuralgia, rheumatism, intestinal trouble, gas pains, sciatica, gout, lumbago, colitis, auto-intoxication, chronic headache, nervous irritability, sleeplessness, lack of energy, loss of weight, frequent melancholia, inflammation of the colon, atonic constipation, bloated, torpid liver, spastic constipation, pains and aches all over the body, neuritis, arthritis, uric acid in the blood, kidney disorders, pains in back, bladder trouble, painful urination, frequent urination, getting up nights, asthma, skin diseases, coughs, la grippe, impure blood, piles, hemorrhoids, fistula, tired feeling, loss of energy, general run-down system, bladder disorders, pain in the region of the kidneys; and effective as a preventive of piles; effective to bring back resistance to disease, to eliminate poisons, acids, and accumulated impurities from the body, and to bring health and happiness; effective to prevent painful diseases; was positive in action and permanent in effect; effective as a treatment for ailments of the thyroid gland, vena cava, lungs, heart, auricle, diaphragm, liver, gall bladder, stomach, spleen, kidneys, transverse colon, ascending colon, intestines, descending colon, and bladder; effective to cleanse the stomach, liver, kidneys, bladder, and bowels of accumulated impurities; effective to enrich and build up the blood and to invigorate and renovate the whole system; effective to get at the cause of constipation; and effective to prevent and cleanse toxic (poisonous) conditions in the body cells, and to act upon the entire intestinal tract and help build up the entire alimentary canal. (A circular in the other shipment contained similar claims and further claims that the article was effective in the treatment of rheumatic pains, torticollis (wry-neck), pleurodynia, inflammatory rheumatism, rheumatic fever, sinus trouble, middle-ear diseases, disease of the mastoid, influenza, and pleurisy, and to build up vitality and to prevent the serious complications which often follow a cold.)

On January 4, 1937, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$25 and costs as to both defendants.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26966. Adulteration and misbranding of chamomile flowers and tincture of arnica; misbranding of olive oil. U. S. v. Harlow B. Boyle and Charles E. Boyle (Boyle & Co.). Pleas of guilty. Fine, \$300. (F. & D. no. 37947. Sample nos. 59485-B, 59492-B, 59495-B.)

The chamomile flowers were represented on the label as a drug recognized in the United States Pharmacopoeia, when chamomile was not recognized in the pharmacopoeia; and they also differed from the standard for chamomile in the National Formulary. The tincture of arnica differed from the standard prescribed for such article in the National Formulary in that it contained less than the required proportion of alcohol, and it also contained alcohol in a proportion less than that represented on the label. The quantity of contents of the bottles of the olive oil was less than 1 pint (16 fluid ounces) represented on the label, namely, not more than 14.65 fluid ounces.

On November 21, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harlow B. Boyle and Charles E. Boyle, trading as Boyle & Co., Los Angeles, Calif., charging shipment by said defendants in violation of the Food and Drugs Act, from the State of California